

GOVERNMENT OF ANDHRA PRADESH
ABSRACT

Public Servants-Andhra Pradesh Commercial Tax Department-Allegations of corruption against Sri N.Shekhar, Assistant Commercial Tax Officer , O/o Commercial Tax Officer , Hydernagar circle, Hyderabad-Trapped on 08.7.2009- Sanction of Prosecution under Prevention of Corruption Act, 1988 and Cr.P.C- Orders-Issued.

REVENUE (VIG.I) DEPARTMENT

G.O.Ms.No.
2011.

Dated.21.01-

ORDER:

1. Whereas, Sri N.Shekhar s/o Ramulu worked as Assistant Commercial Tax Officer, Hydernagar Circle, Hyderabad from 2.9.2006 to 21.7.2009 (till his suspension) and as such by virtue of post held by him, he falls under the category of 'Public Servant' as defined under clause (c) of Section 2 of the Prevention of Corruption Act, 1988(Central Act 49 of 1988);

2. And, whereas, Sri M.Vishnu Mohan Rao, s/o Sri M.Satyanarayana, aged 46 years, Occ: Consultant and Business r/o Plot.No.150, HMT Sathvahananagar, Opp: KPHB, Kukatpally, Hyderabad, Sri M.Vishnu Mohan Rao works as consultant for VAT registrations, firm registrations, Income Tax filing, etc., besides real estate business. Sri Shaik Nagur Vali and Sri Shaik John Syed, both brothers and residents of KPHB colony, Kukatpally, Ranga Reddy District, gave him authorization to file relevant papers and get VAT registration certificate from the O/o CTO, Hydernagar Circle on behalf of their partnership firm M/s S.S. Infrastructures. Accordingly, Sri M.Vishnu Mohan Rao, filed application and relevant papers in the office of the CTO, Hydernagar Circle, Hyderabad on 30.05.2009. Later Sri M.Vishnu Mohan Rao met the ACTO Sri N.Shekhar in this regard. The ACTO Sri N.Shekhar told that the application was not in order, returned the application to him and asked to submit another application. Again on 15.06.2009. Sri M.Vishnu Mohan Rao submitted another application and relevant papers for VAT registration certificate in the O/o the CTO Hydernagar Circle. Sri M.Vishnu Mohan Rao met the concerned area ACTO Sri N.Shekhar and the concerned Senior Assistant Sri Murali Prasad twice within one week. They told that they would inspect the office. Again on 27.06.2009, Sri M.Vishnu Mohan Rao met the ACTO Sri N. Shekhar and Senior Assistant Sri Murali Prasad in their office. Then the Senior Assistant Sri Murali Prasad told him in front of the ACTO Sri N. Shekhar that he has to pay 'formalities' for issuing the certificate for which Sri M.Vishnu Mohan Rao came back without saying anything. Again on 06.07.2009 at about 2.00 p.m, Sri M.Vishnu Mohan Rao met the ACTO Sri N. Shekhar in his office and when he was talking to the ACTO regarding the VAT registration certificate, the Senior Assistant Sri Murali Prasad also came and sat beside him. Then , the ACTO Sri N.Shekhar, asked Sri M.Vishnu Mohan Rao to pay Rs.7,000/- as bribe to visit the office process and get the signature of the CTO and issue VAT registration certificate. On Sri M.Vishnu Mohan

Rao request, Sri N. Shekhar, ACTO reduced the bribe amount to Rs.5,000/- and asked him to

Cotnd.2

::2::

come with the bribe amount on 08.07.2009. As Sri M.Vishnu Mohan Rao was not willing to pay the bribe amount to the ACTO Sri N.Shekhar and the Senior Assistant Sri Murali Prasad, he lodged the complaint on 7.7.2009 for taking action against them as per the law;

3. And whereas, the DSP,ACB, City Range-I, Hyderabad, who received the above complaint made an endorsement at 11.00 hours on 7.7.2009. Confidential enquiries were made with regard to the genuineness of the complaint and general reputation of Sri N.Sekhar and Murali Prasad and case in Cr.No.14/ACB-CR-I/2009 under section 7 of the Prevention of Corruption Act. 1988 was registered on 8.7.2009 at 10.00 hours, after obtaining permission from the competent authority, duly observing the legal formalities;

4. And whereas, Sri N.Shekhar, Occp: Assistant Commercial Tax Officer, and Sri K.Murali Prasad, Occ: Senior Assistant , both worked at the O/o the Commercial Tax Officer, Hydernagar circle, Hyderabad demanded illegal gratification of Rs.5000/- from Sri M.Vishnu Mohan Rao for showing official favour to process and to get the signature of C.T.O. for issuance VAT registration certificate in favour of M/s S.S Infrastructures on 8.7.2009 the Sr.Assist., Murali Prasad accepted illegal gratification from Sri M.Vishnu Mohan Rao on the directions of ACTO, Sri N.Shekhar, in the office cabin of ACTO in his presence as bribe other than legal remuneration from Sri M.Vishnu Mohan Rao, and were trapped by the Deputy Superintendent of Police, Anti-Corruption Bureau, City Range-I, Hyderabad, on 8.7.2009 at 2:05 PM. Both hand fingers of Sri Murali Prasad yielded positive result when subjected to phenolphthalein test. The tainted currency of Rs.5000/- was recovered from the right back pocket of the pant of Murali Prasad at his instance and the inner portion of right side back packet of the pant of Murali Prasad subjected to chemical test, it is also yielded positive result. The official favour documents were recovered from the table of Sri N.Shekhar at his instance;

5. And whereas, the said act of Sri N.Shekhar, Assistant Commercial Tax Officer constitute offences punishable under Section 7 and clause (d) of sub section (1) of section 13 read with sub-section (2) of section 13 of the Prevention of Corruption Act, 1988 and section 34 of the Indian Penal Code,1860.

6 And whereas, the Government of Andhra Pradesh, being the competent authority to remove, Sri N.Shekhar, Occp: Assistant Commercial Tax Officer, O/o the Commercial Tax Officer, Hydernagar circle, Hyderabad from service after fully and carefully examining the material (i.e copies of FIR, Mediators Report-I and Mediators Report-II and final investigation report) placed before them in respect of the said allegation, and having regard to the facts and circumstances of the case, consider that the said Sri N.Shekhar, Assistant Commercial Tax Officer,

Hydernagar circle Hyderabad should be prosecuted in a court of law for the aforesaid offences;

7. Now, therefore, in exercise of the powers conferred by clause (b) of sub section (1) of section 19 of the Prevention of Corruption Act, 1988 (Central Act 49

Contd.3

::3::

of 1988) and section 197 of the Code of Criminal Procedure, 1973, the Government of Andhra Pradesh , hereby accord sanction for the prosecution of Sri N.Shekhar, Assistant Commercial Tax Officer, O/o the Commercial Tax Officer, Hydernagar circle, Hyderabad for the offences punishable under section 7 and sub-section (2) of section 13 read with clause (d) of sub-section (1) of section 13 of the Prevention of Corruption Act.1988 and section 34 of Indian Penal Code, 1860 and for any other cognate offences punishable under any other provisions of law for the time being in force in respect of the above said acts and also for taking cognizance of the said offence by the court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

(ASUTOSH MISHRA)
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General,
Anti Corruption Bureau,
A.P. Hyderabad.

Copy to
The Law (E) Department